

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

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Ira Hayes, #269743,	)	C.A. #8:08-1628-PMD
	)	
Petitioner,	)	
	)	
vs.	)	<b><u>ORDER</u></b>
	)	
George Hagan, Warden Allendale Correctional	)	
Institution,	)	
	)	
Respondent.	)	
	)	

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On January 8, 2009, Magistrate Judge Bruce Howe Hendricks issued a Report and Recommendation recommending that this action be dismissed without prejudice for lack of prosecution. On January 12, 2009, petitioner filed a motion for extension of time to file a response to respondent's motion for summary judgment, and on January 16, 2009, this court issued an order allowing petitioner until February 12, 2009 to file his response to respondent's summary judgment motion, and further advising that failure to do so would result in immediate dismissal of this action. Petitioner has failed to file a response to respondent's motion for summary judgment as allowed by the court. Now therefore,

IT IS HEREBY ORDERED that the within action is **dismissed for lack of prosecution.**

**AND IT IS SO ORDERED.**

  
 PATRICK MICHAEL DUFFY  
 United States District Judge

Charleston, South Carolina  
February 19, 2009

**NOTICE OF APPEAL**

Plaintiff is hereby notified that he has the right to appeal this Order within thirty (30) days from the date hereof pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.